

AMENDED IN SENATE APRIL 5, 2001

SENATE BILL

No. 826

Introduced by Senator Margett

February 23, 2001

~~An act to amend Section 830.3 of, and to repeal Section 830.29 of,~~
An act to amend Section 830.29 of the Penal Code, relating to peace officers.

LEGISLATIVE COUNSEL'S DIGEST

SB 826, as amended, Margett. Peace officers: Board of Dental Examiners.

Existing law provides that the Chief of the Division of Investigation in the Department of Consumer Affairs and all investigators of that division, the Medical Board of California, and the Board of Dental Examiners have the authority of peace officers while engaged in exercising the powers granted or performing the duties imposed upon them or the division in investigating the laws administered by the various boards comprising the department or commencing directly or indirectly any criminal prosecution arising from any investigation conducted under these laws.

Existing law additionally authorizes the director, for a period extending to July 1, 2002, to designate as peace officers an additional 7 persons who shall at the time of their designation be assigned to the investigations unit of the Dental Board of California.

This bill would ~~delete these provisions and make a conforming change~~ *extend this authorization to January 1, 2003.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 830.29 of the Penal Code is repealed.~~

~~SECTION 1. Section 830.29 of the Penal Code is amended to read:~~

~~830.29. (a) Pursuant to Section 830.3, the Director of Consumer Affairs may designate as peace officers an additional seven persons, who shall at the time of their designation be assigned to the investigations unit of the Dental Board of California.~~

~~(b) The authorization for these additional seven peace officer positions shall become inoperative on July 1, 2002 2003, unless a later enacted statute that is enacted on or before January 1, 2003 2004, deletes or extends the dates on which it becomes inoperative and is repealed.~~

~~SEC. 2. Section 830.3 of the Penal Code is amended to read:~~

~~830.3. The following persons are peace officers whose authority extends to any place in the state for the purpose of performing their primary duty or when making an arrest pursuant to Section 836 of the Penal Code as to any public offense with respect to which there is immediate danger to person or property, or of the escape of the perpetrator of that offense, or pursuant to Section 8597 or 8598 of the Government Code. These peace officers may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies:~~

~~(a) Persons employed by the Division of Investigation of the Department of Consumer Affairs and investigators of the Medical Board of California and the Board of Dental Examiners, who are designated by the Director of Consumer Affairs, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 160 of the Business and Professions Code.~~

~~(b) Voluntary fire wardens designated by the Director of Forestry and Fire Protection pursuant to Section 4156 of the Public Resources Code, provided that the primary duty of these peace officers shall be the enforcement of the law as that duty is set forth in Section 4156 of that code.~~

~~(c) Employees of the Department of Motor Vehicles designated in Section 1655 of the Vehicle Code, provided that the primary~~

1 ~~duty of these peace officers shall be the enforcement of the law as~~
2 ~~that duty is set forth in Section 1655 of that code.~~

3 ~~(d) Investigators of the California Horse Racing Board~~
4 ~~designated by the board, provided that the primary duty of these~~
5 ~~peace officers shall be the enforcement of Chapter 4 (commencing~~
6 ~~with Section 19400) of Division 8 of the Business and Professions~~
7 ~~Code and Chapter 10 (commencing with Section 330) of Title 9 of~~
8 ~~Part 1 of this code.~~

9 ~~(e) The State Fire Marshal and assistant or deputy state fire~~
10 ~~marshals appointed pursuant to Section 13103 of the Health and~~
11 ~~Safety Code, provided that the primary duty of these peace officers~~
12 ~~shall be the enforcement of the law as that duty is set forth in~~
13 ~~Section 13104 of that code.~~

14 ~~(f) Inspectors of the food and drug section designated by the~~
15 ~~chief pursuant to subdivision (a) of Section 106500 of the Health~~
16 ~~and Safety Code, provided that the primary duty of these peace~~
17 ~~officers shall be the enforcement of the law as that duty is set forth~~
18 ~~in Section 106500 of that code.~~

19 ~~(g) All investigators of the Division of Labor Standards~~
20 ~~Enforcement designated by the Labor Commissioner, provided~~
21 ~~that the primary duty of these peace officers shall be the~~
22 ~~enforcement of the law as prescribed in Section 95 of the Labor~~
23 ~~Code.~~

24 ~~(h) All investigators of the State Departments of Health~~
25 ~~Services, Social Services, Mental Health, Developmental~~
26 ~~Services, and Alcohol and Drug Programs, the Department of~~
27 ~~Toxic Substances Control, the Office of Statewide Health~~
28 ~~Planning and Development, and the Public Employees'~~
29 ~~Retirement System, provided that the primary duty of these peace~~
30 ~~officers shall be the enforcement of the law relating to the duties~~
31 ~~of his or her department, or office. Notwithstanding any other~~
32 ~~provision of law, investigators of the Public Employees'~~
33 ~~Retirement System shall not carry firearms.~~

34 ~~(i) The Chief of the Bureau of Fraudulent Claims of the~~
35 ~~Department of Insurance and those investigators designated by the~~
36 ~~chief, provided that the primary duty of those investigators shall~~
37 ~~be the enforcement of Section 550.~~

38 ~~(j) Employees of the Department of Housing and Community~~
39 ~~Development designated under Section 18023 of the Health and~~
40 ~~Safety Code, provided that the primary duty of these peace officers~~

1 ~~shall be the enforcement of the law as that duty is set forth in~~
2 ~~Section 18023 of that code.~~

3 ~~(k) Investigators of the office of the Controller, provided that~~
4 ~~the primary duty of these investigators shall be the enforcement of~~
5 ~~the law relating to the duties of that office. Notwithstanding any~~
6 ~~other law, except as authorized by the Controller, the peace officers~~
7 ~~designated pursuant to this subdivision shall not carry firearms.~~

8 ~~(l) Investigators of the Department of Corporations designated~~
9 ~~by the Commissioner of Corporations, provided that the primary~~
10 ~~duty of these investigators shall be the enforcement of the~~
11 ~~provisions of law administered by the Department of~~
12 ~~Corporations. Notwithstanding any other provision of law, the~~
13 ~~peace officers designated pursuant to this subdivision shall not~~
14 ~~carry firearms.~~

15 ~~(m) Persons employed by the Contractors' State License Board~~
16 ~~designated by the Director of Consumer Affairs pursuant to~~
17 ~~Section 7011.5 of the Business and Professions Code, provided~~
18 ~~that the primary duty of these persons shall be the enforcement of~~
19 ~~the law as that duty is set forth in Section 7011.5, and in Chapter~~
20 ~~9 (commencing with Section 7000) of Division 3, of that code. The~~
21 ~~Director of Consumer Affairs may designate as peace officers not~~
22 ~~more than three persons who shall at the time of their designation~~
23 ~~be assigned to the special investigations unit of the board.~~
24 ~~Notwithstanding any other provision of law, the persons~~
25 ~~designated pursuant to this subdivision shall not carry firearms.~~

26 ~~(n) The chief and coordinators of the Law Enforcement~~
27 ~~Division of the Office of Emergency Services.~~

28 ~~(o) Investigators of the office of the Secretary of State~~
29 ~~designated by the Secretary of State, provided that the primary~~
30 ~~duty of these peace officers shall be the enforcement of the law as~~
31 ~~prescribed in Chapter 3 (commencing with Section 8200) of~~
32 ~~Division 1 of Title 2 of, and Section 12172.5 of, the Government~~
33 ~~Code. Notwithstanding any other provision of law, the peace~~
34 ~~officers designated pursuant to this subdivision shall not carry~~
35 ~~firearms.~~

36 ~~(p) The Deputy Director for Security designated by Section~~
37 ~~8880.38 of the Government Code, and all lottery security~~
38 ~~personnel assigned to the California State Lottery and designated~~
39 ~~by the director, provided that the primary duty of any of those~~
40 ~~peace officers shall be the enforcement of the laws related to~~

1 ~~assuring the integrity, honesty, and fairness of the operation and~~
2 ~~administration of the California State Lottery.~~

3 ~~(q) Investigators employed by the Investigation Division of the~~
4 ~~Employment Development Department designated by the director~~
5 ~~of the department, provided that the primary duty of those peace~~
6 ~~officers shall be the enforcement of the law as that duty is set forth~~
7 ~~in Section 317 of the Unemployment Insurance Code.~~

8 ~~Notwithstanding any other provision of law, the peace officers~~
9 ~~designated pursuant to this subdivision shall not carry firearms.~~

10 ~~(r) The chief and assistant chief of museum security and safety~~
11 ~~of the California Science Center, as designated by the executive~~
12 ~~director pursuant to Section 4108 of the Food and Agricultural~~
13 ~~Code, provided that the primary duty of those peace officers shall~~
14 ~~be the enforcement of the law as that duty is set forth in Section~~
15 ~~4108 of the Food and Agricultural Code.~~

16 ~~(s) Employees of the Franchise Tax Board designated by the~~
17 ~~board, provided that the primary duty of these peace officers shall~~
18 ~~be the enforcement of the law as set forth in Chapter 9~~
19 ~~(commencing with Section 19701) of Part 10.2 of Division 2 of the~~
20 ~~Revenue and Taxation Code.~~

21 ~~(t) Notwithstanding any other provision of this section, a peace~~
22 ~~officer authorized by this section shall not be authorized to carry~~
23 ~~firearms by his or her employing agency until that agency has~~
24 ~~adopted a policy on the use of deadly force by those peace officers,~~
25 ~~and until those peace officers have been instructed in the~~
26 ~~employing agency's policy on the use of deadly force.~~

27 ~~Every peace officer authorized pursuant to this section to carry~~
28 ~~firearms by his or her employing agency shall qualify in the use of~~
29 ~~the firearms at least every six months.~~

30 ~~(u) Investigators of the Department of Managed Health Care~~
31 ~~designated by the Director of the Department of Managed Health~~
32 ~~Care, provided that the primary duty of these investigators shall be~~
33 ~~the enforcement of the provisions of laws administered by the~~
34 ~~Director of the Department of Managed Health Care.~~
35 ~~Notwithstanding any other provision of law, the peace officers~~
36 ~~designated pursuant to this subdivision shall not carry firearms.~~